



**JIM DOYLE**  
GOVERNOR  
STATE OF WISCONSIN

FEB 07 2005

January 28, 2005

Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW., Room TW-B204  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

**Re: In the Matter of: Consumer Bankers Association**  
**Petition for Declaratory Ruling with Respect to**  
**Certain Provisions of the Wisconsin Statutes and**  
**Wisconsin Administrative Code**  
**CG Docket No. 02-278**

Dear Commissioners:

I write to urge you to reject the request of the Consumer Bankers Association to preempt Wisconsin's no call law and rules. Although Wisconsin has a long history of working with the federal government, the fundamental precepts of federalism require that states be free to enact legislation that reflects the unique desires and needs of state residents and businesses.

If the FCC preempts Wisconsin's no-call law, it will tell Wisconsin residents, 80% of whom are on Wisconsin's no call list, that their desire to be free of unwanted telemarketing calls is of no consequence in the face of requests by large, multi-million dollar corporations that want to make telemarketing easier in order to enhance their bottom line. Put another way, preemption by the FCC would send a clear signal to our citizens that money is more important than privacy and the ability to spend uninterrupted time with family and friends.

I have no doubt that Wisconsin citizens will receive substantially more telemarketing calls if the FCC grants the pending petition of the Consumer Bankers Association. Under the federal law, Wisconsin consumers who have an established business relationship with one company can expect to receive calls from a multitude of companies affiliated with that business. These companies will be permitted to solicit our citizens despite the fact that the consumer has no relationship to or interest in the product or service offered by the affiliated business.

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In addition, the requested preemption will give the large, national and multi-national corporations an unfair competitive advantage over smaller, Wisconsin businesses since such businesses do not often have affiliates.

Preemption will also enable businesses to repeatedly call customers who have terminated their relationship with the business for a period of 18 months. It defies common sense to believe that these calls are anything other than harassment. No consumer who terminates a relationship with a business wants that business to continue calling.

The provisions of the Wisconsin law at issue in the petition before the FCC were carefully considered by the drafters of the Wisconsin law as well as the Wisconsin Legislature. They were rejected. Indeed, Wisconsin citizens have repeatedly voiced their desire for the strongest no call law possible. Having been largely free of unwanted telemarketing calls for the two years that our law has been in effect, Wisconsinites do not want those calls to begin again.

Wisconsin supported the enactment of a federal no call law. Nonetheless, Wisconsin residents have repeatedly and unequivocally voiced their desire for the strongest law possible and have requested the state to place their interests above the commercial interests of telemarketers. It is on behalf of these citizens that I ask you to deny the petition before you.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Doyle".

Jim Doyle  
Governor